

**Hinckley, Allen & Snyder LLP**

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TO: Examiner Isaac R. Clark, Art Unit 2154FIRM: U.S. Patent and Trademark OfficeRE: Response to Office Action - Pat. App. Ser. No. 09/921,167

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NUMBER: 571-272-3961

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NUMBER: 703-872-9306**RECEIVED**  
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**OIPE/JCWS****NOTES/COMMENTS:**Resubmitted Due to Transmission Problems

Amendment and Response to Office Action, mailed 12/10/2004, for Patent Application Ser. No. 09/921,067 (Docket No. 056450/0119019).

**The following items are being sent herewith:**

- Transmittal form (1 page)
- Fee transmittal (1 page- 2 copies)
- Petition for extension of time (1 page- 2 copies)
- Amendment and Response to Office Action (15 pp)
- Revocation of Power of Attorney (1 page)
- Power of Attorney/Change of Address (1 page)
- Assignee Statement under 37 CFR 3.73(b) (1 page)

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14 SOUTH STREET, 3<sup>RD</sup> FLOOR □ CONCORD, NEW HAMPSHIRE 03301 □ 603-225-4334 □ FAX 603-224-8350

PTO/SB/21 (09-04)

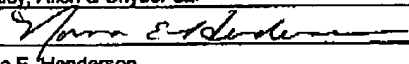
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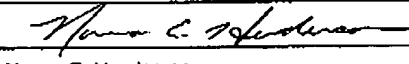
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/921,167	
	Filing Date	Aug 2, 2001	
	First Named Inventor	Bennett, Simon	
	Art Unit	2154	
	Examiner Name	Clark, Isaac R	
Total Number of Pages in This Submission	23	Attorney Docket Number	056450/0119019

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Assignee statement under 37 CFR 3.73(b)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Hinckley, Allen & Snyder LLP		
Signature			
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Date	May 10, 2005	Reg. No.	39,219

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<input checked="" type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27		Application Number	09/921,167
		Filing Date	8/2/2001
		First Named Inventor	Bennett, Simon
		Examiner Name	Clark, Isaac R
		Art Unit	2154
<b>TOTAL AMOUNT OF PAYMENT (\$)</b> 225.00		Attorney Docket No.	056450/0119019

<b>METHOD OF PAYMENT (check all that apply)</b> <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 502834 Deposit Account Name: Hinkley, Allen & Snyder LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	<b>FEE CALCULATION (continued)</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - 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<b>SUBMITTED BY</b>		<b>Complete if applicable</b>	
Name (Print/Type)	Norma E. Henderson	Registration No. (Attorney/Agent)	39,219
Signature	<i>Norma E. Henderson</i>	Telephone	603-225-4334
		Date	May 10, 2005

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<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2005</h2> <p style="font-size: small;">Effective 10/01/2003. Patent fees are subject to annual revision</p>	<p><b>Complete if Known</b></p> <table border="1" style="width: 100%;"> <tr><td>Application Number</td><td>09/921,197</td></tr> <tr><td>Filing Date</td><td>8/2/2001</td></tr> <tr><td>First Named Inventor</td><td>Bennett, Simon</td></tr> <tr><td>Examiner Name</td><td>Clark, Isaac R</td></tr> <tr><td>Art Unit</td><td>2154</td></tr> <tr><td>Attorney Docket No.</td><td>056450/0119019</td></tr> </table>	Application Number	09/921,197	Filing Date	8/2/2001	First Named Inventor	Bennett, Simon	Examiner Name	Clark, Isaac R	Art Unit	2154	Attorney Docket No.	056450/0119019
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<b>TOTAL AMOUNT OF PAYMENT</b> <b>(\$)</b> 225.00													

<p><b>METHOD OF PAYMENT (check all that apply)</b></p> <p> <input type="checkbox"/> Check           <input type="checkbox"/> Credit card           <input type="checkbox"/> Money Order           <input type="checkbox"/> Other           <input type="checkbox"/> None       </p> <p><input checked="" type="checkbox"/> Deposit Account</p> <p>         Deposit Account Number: 502834          Deposit Account Name: Hinkley, Allen &amp; Snyder LLP       </p> <p>The Director is authorized to: (check all that apply)</p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below           <input checked="" type="checkbox"/> Credit any overpayments  <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)  <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee       </p> <p>to the above identified deposit account</p> <p style="text-align: center;"><b>FEE CALCULATION</b></p> <p><b>1. 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EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b></p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>0</td> <td>0</td> <td>0.00</td> </tr> <tr> <td>Multiple Dependent</td> <td>0</td> <td>0</td> <td>0.00</td> </tr> </tbody> </table> <p><b>3. 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late filing fee or oath		1052	50	2152	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1153	130	Non-English specification		1812	2,520	1812	2,620	For filing a request for ex parte reexamination		1804	920*	1304	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1305	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	225	Extension for reply within second month	225	1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2101	165	Notice of Appeal		1402	330	2102	165	Filing a brief in support of an appeal		1403	290	2103	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	65	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1307	50	Processing fee under 37 CFR 1.17(a)		1808	180	1308	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after first rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		
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<b>SUBMITTED BY</b>		<b>Complete if applicable</b>	
Name (Print/Type)	Norma E. Henderson	Registration No. (Attorney/Agent)	39,219
Signature	<i>Norma E. Henderson</i>	Telephone	603-225-4334
		Date	May 10, 2005

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/22 (12-04)

Approved for use through 7/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional) 056450/0119019	
FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		<b>RECEIVED</b>	
Application Number 09/921167		Filed 8/2/2001 <b>CENTRAL FAX CENTER</b>	
For Method and Apparatus for a Network Independent Short Message Delivery System		<b>MAY 10 2005</b>	
Art Unit 2154		Examiner Clark, Isaac R	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ 120	\$ 60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ 450	\$ 225	\$ 225
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ 1,020	\$ 510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ 1,590	\$ 795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ 2,160	\$ 1,080	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 502834. I have enclosed a duplicate copy of this sheet.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 39,219

☐ attorney or agent under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Norma E. Henderson May 10, 2005  
Signature Date

Norma E. Henderson 603-225-4334  
Typed or printed name Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/12/2005 EABUBAK1 00000134 09921167 If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.

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PAGE 5/24 \* RCVD AT 5/10/2005 11:26:30 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/1 \* DNIS:8729306 \* CSID:603 434 8361 \* DURATION (mm-ss):13-44

